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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,470

10/24/2003

Pierluigi Pugliese

P. PUGLIESE 32

2561

47396

7590

11/13/2006

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EXAMINER

PHUONG, DAI

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,470	Applicant(s) PUGLIESE, PIERLUIGI	
	Examiner Dai A. Phuong	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reply Appeal Brief

1. In view of the Appeal Brief filed on 09/07/2006, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



**DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

Response to Amendment

2. Applicant's arguments, filed 09/07/2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-25 are currently pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 10-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang (Pub. No: 2001/0049263) in view of Hiltunen et al. (Pub. No: 20040042604).

Regarding claim 1, Zhang discloses a method of ascertaining a state of a mobile communication apparatus, comprising: collecting data on at least one of individual components and procedures embedded within said mobile communication apparatus based on status quo information derived therefrom, on a memory management module or non-volatile memory 340 (fig. 1 to fig. 3, [0024], [0031] to [0033] and [0037] to [0038]); and radio transmitting said data from said mobile communication apparatus via said radio network to which said mobile communication apparatus is affiliated to a service center 130 (fig. 1 to fig. 3, [0024] and [0031] to [0038]). However, Zhang does not disclose on a subscriber information module (SIM) card.

In the same field of endeavor, Raivisto et al. disclose on a subscriber information module (SIM) card ([0033]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of Zhang by specifically including on a subscriber information module (SIM) card, as taught by Hiltunen et al., the motivation being in order to store data such as the content provided by a service provider, so that the content is not lost upon power down of the mobile terminal. Additionally, it provides a simple and quick procedure which eliminates unnecessary wear and tear on the SIM.

Regarding claim 2, the combination of Zhang and Hiltunen et al. disclose all the limitations in claim 1. Further, Zhang discloses the method wherein said collecting is performed by using a trace routine ([0031] to [0033] and [0035] to [0038]).

Regarding claim 3, the combination of Zhang and Hiltunen et al. disclose all the limitations in claim 1. Further, Zhang discloses the method wherein said transmitting is performed by using a selected one of an SMS and a predefined data call ([0029]).

Regarding claim 4, the combination of Zhang and Hiltunen et al. disclose all the limitations in claim 1. Further, Zhang discloses the method wherein said data are coded in a space-efficient format prior to performing said radio transmitting ([0029] and [0039] to [0042]).

Regarding claim 5, the combination of Zhang and Hiltunen et al. disclose all the limitations in claim 1. Further, Zhang discloses the method wherein said data are stored prior to performing said radio transmitting ([0037] to [0038]).

Regarding claim 6, the combination of Zhang and Hiltunen et al. disclose all the limitations in claim 1. Further, Zhang discloses the method wherein said radio transmitting is performed in regularly spaced intervals ([0030] and [0039]).

Regarding claim 10, the combination of Zhang and Hiltunen et al. disclose all the limitations in claim 1. Further, Zhang discloses the method wherein said data are transferred between said mobile communication apparatus and said network without signaling said user of said mobile communication apparatus ([0030]).

Regarding claim 11, the combination of Zhang and Hiltunen et al. disclose all the limitations in claim 1. Further, Zhang discloses the method wherein said data are weighted ([0037] to [0038]).

Regarding claim 12, the combination of Zhang and Hiltunen et al. disclose all the limitations in claim 1. Further, Zhang discloses the method wherein a selected one of said collecting and said transmitting is carried out dependent on selectable information items ([0037] to [0039]).

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 25, the combination of Zhang and Hiltunen et al. all the limitations in claim 13. Further, Zhang discloses the mobile communication apparatus wherein said mobile communication apparatus is a mobile phone adapted to operate on a selected one of a GSM standard and a UMTS-standard ([0025]).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang (Pub. No: 2001/0049263) in view of Hiltunen et al. (Pub. No: 20040042604) and Further in view of (Pub. No: 20040075675).

Regarding claim 7, the combination of Zhang and Hiltunen et al. disclose all the limitations in claim 1. However, the combination of Zhang and Hiltunen et al. do not disclose the method wherein said radio transmitting is performed during an initializing menu procedure.

In the same field of endeavor, Raivisto et al. disclose the method wherein said radio transmitting is performed during an initializing menu procedure ([0026], [0044] and [0047] to [0048]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile station of the combination of Zhang and Hiltunen et al. by specifically including the method wherein said radio transmitting is performed during an initializing menu procedure, as taught by Raivisto et al., the motivation being in order to reduce user burden in manipulating the mobile terminal to invoke the proper access methodology.

Additionally, it allows the service providers and operators to facilitate the offering of their services and applications to end users.

Regarding claim 8, the combination of Zhang and Hiltunen et al. and Raivisto et al. disclose all the limitation in claim 7. Further, Raivisto et al. disclose the method wherein said menu procedure is activated during a selected one of when said mobile communication apparatus is logged-in to said network and when said mobile communication apparatus is logged-off from said network ([0026], [0044] and [0047] to [0048]).

Regarding claim 9, the combination of Zhang and Hiltunen et al. and Raivisto et al. disclose all the limitation in claim 7. Further, Raivisto et al. disclose the method wherein said menu procedure is activated by a selected one of said user of said mobile communication apparatus and externally via said network ([0026], [0044] and [0047] to [0048]).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 11-06-2006